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BOGOTA 08818

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CLAN02:

INFO: MILG OPM DEA USIS TAT ORA DAO

CLAN01:

ACTION: P/E

INFO: DCM AMB NAS

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INFO: FCS FAS

DISSEMINATION: POLD

CHARGE: PROG

APPROVED: AMB:CKAMMAN

DRAFTED: P/E:DBLAKENEY/MFITZP

CLEARED: DCM:BMOORE P/E:JMCBRIDE(SUBS) DAO:LMUNIZ

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FM AMEMBASSY BOGOTA

TO RUEHC/SECSTATE WASHDC 0805

INFO RHEHNSC/NSC WASHDC

RUEKJCS/SECDEF WASHDC

RHEHOND/DIRONDCP WASHDC

RUMIAAA/USCINCSO MIAMI FL//SCJ2/SCJ5/POLAD//

RUEKDIA/DIA WASHDC

RUEAIIA/CIA WASHDC

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UNCLAS E F T O SECTION 01 OF 02 BOGOTA 008818

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK TUMMINIA
DATE/CASE ID: 20 AUG 2003 200101358

SENSITIVE

E.O. 12958: N/A

TAGS: PHUM, PTER, MASS, KJUS, PINS, KVPR, PGOV, MARR, CO

SUBJECT: JUDICIAL PROGRESS IN SEGOVIA MASSACRE

REFS: A) JANUARY 14, 1999 ROMERO/KOH LETTER TO MFA
B) BOGOTA 4037 C) 98 BOGOTA 3766 D) 98 BOGOTA 14181
E) 98 BOGOTA 13950

1. (SBU) SUMMARY: THE COLOMBIAN NATIONAL (APPELLATE) TRIBUNAL UPHELD APRIL 14 A LOWER COURT'S MARCH 1998 CONVICTION AND SENTENCING OF FIVE SECURITY FORCE OFFICERS TO 18 YEARS' IMPRISONMENT EACH ON CHARGES OF "TERRORISM" FOR THEIR ROLES IN THE 1988 SEGOVIA MASSACRE. SIMULTANEOUSLY, THE COURT UPHELD CONVICTIONS OF FOUR CIVILIAN PARAMILITARIES. WHILE THE CIVILIAN COURT ACTIONS MARK PROGRESS AGAINST MILITARY IMPUNITY, MILITARY COURTS CONTINUE TO EVADE A SERIOUS PROSECUTION OF THE CASE. NONETHELESS, SUSTAINED USG ATTENTION TO THE CASE HAS CONTRIBUTED TO AN IMPROVED SENSITIVITY ON THE PART OF THE MILITARY JUDICIARY TO POST-SEGOVIA HUMAN RIGHTS CASES. ON 9/7 ARMED FORCES

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COMMANDER GENERAL TAPIAS PROMISED THE AMBASSADOR TO LOCATE THE FORMAL RESPONSE TO REF A. END SUMMARY.

2. (U) OVER 100 CIVILIANS WERE KILLED OR WOUNDED ON NOVEMBER 11, 1988 AT SEGOVIA WHEN THREE TRUCKS OF ARMED MEN OPENED FIRE ON RESIDENTS GATHERED IN THE TOWN SQUARE. MEMBERS OF THE ARMY AND POLICE WERE ACCUSED OF ABETTING THE PARAMILITARY PERPETRATORS OF THE MASSACRE.

3. (SBU) CIVILIAN COURT CASES: THE COMPLEX COLOMBIAN CIVILIAN JUDICIAL PROCESS IS FURTHER CONFUSED BY CONSTITUTIONAL AND OTHER CHANGES WHICH HAVE TAKEN PLACE IN THE ELEVEN YEARS SINCE THE MASSACRE OCCURRED. TO SUMMARIZE, THREE OF THE FIVE SECURITY OFFICERS WERE CHARGED IN CIVILIAN COURTS WITH THE CRIME OF TERRORISM IN 1989; TWO OTHERS WERE SO CHARGED IN 1993. THE MILITARY REPEATEDLY CHALLENGED CIVILIAN JURISDICTION FOR THIS CHARGE, AND DECLINED TO DETAIN DEFENDANTS PENDING THE OUTCOME OF THESE CHALLENGES AND DEFENDANTS' APPEALS. THE SUPREME COURT RULED AGAINST THE MILITARY IN 1989; THIS WAS REAFFIRMED BY THE SUPERIOR JUDICIAL COUNCIL IN 1993 AND 1997. IN MARCH, 1998 THE FIVE OFFICERS WERE CONVICTED BY A LOWER COURT AND SENTENCED TO 18 YEARS IMPRISONMENT; THAT DECISION WAS UPHELD ON APRIL 14, 1999.

4. (SBU) THE MOD CONFIRMED TO POST IN AUGUST, 1999 THAT THE FOUR ARMY OFFICERS IN QUESTION HAVE BEEN CONFINED TO BASE AND RESTRICTED TO HALF-PAY (AN ACCEPTABLE FORM OF DETENTION UNDER COLOMBIAN LAW). THE FIFTH, A POLICE OFFICER, HAS BEEN CONFINED TO BASE SINCE THE MARCH 1998 RULING. THE FIVE OFFICERS HAVE APPEALED TO THE SUPREME COURT, CHALLENGING THE TESTIMONY OF AT LEAST ONE KEY WITNESS. THE APPEAL COULD TAKE AT LEAST ANOTHER YEAR. (REF D INCORRECTLY REPORTED THE NAMES OF THE FIVE OFFICERS; COURT DOCUMENTS CONFIRM THEY ARE: ARMY LT.COL. ALEJANDRO LONDONO TAMAYO, ARMY LT. COL. MARCO HERNANDO BAEZ GARZON, ARMY MAJ. HUGO ALBERTO VALENCIA VIVAS, ARMY LT. EDGARDO HERNANDEZ NAVARRO, NATIONAL POLICE CPT. JORGE ELIECER CHACON LASSO). FOUR OTHER OFFICERS WERE CHARGED IN CIVILIAN COURTS AT DIFFERENT POINTS IN THE PROSECUTION, BUT CHARGES WERE SUBSEQUENTLY DROPPED.

5. (SBU) FOUR CIVILIANS ACCUSED OF PARTICIPATING IN THE MASSACRE WERE ALSO SENTENCED IN MARCH 1998; THEIR ORIGINAL SENTENCES RANGED FROM 28 TO 30 YEARS EACH. IN APRIL 1999 THEIR CONVICTIONS WERE UPHELD AS WELL, BUT THEIR SENTENCES REDUCED TO BETWEEN 26-28 YEARS EACH. (THE FOUR CONVICTED CIVILIANS ARE: CARLOS MARIO RUIZ VILLA, MARCO ANTONIO RUIZ VILLA, FRANCISCO DE JESUS MONSALVE MONSALVE, JOSE OTONIEL URIBE CATANO).

6. (SBU) MILITARY PROSECUTIONS: ON AT LEAST TWO OCCASIONS CIVILIAN JUDICIAL AUTHORITIES REQUESTED THAT MILITARY COUNTERPARTS INVESTIGATE AND, IF APPROPRIATE, TRY NINE OFFICERS FOR A SERIES OF CHARGES RELATED TO THE SEGOVIA MASSACRES. SO FAR, NO SECURITY FORCE OFFICER HAS EVER BEEN TRIED BY THE MILITARY JUDICIARY ON ANY OF THE MULTIPLE CHARGES STEMMING FROM THE SEGOVIA MASSACRE. IN 1997, THE 14TH BRIGADE COMMANDER PROCEDURALLY DISMISSED FOUR OF THE MILITARY CHARGES (PERSONAL

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INJURY, CONSPIRACY, DAMAGE, AND HOMICIDE) AGAINST SIX OF THE ARMY OFFICERS; HE DID NOT ADDRESS TWO OTHER CHARGES (CONSPIRACY AND DERELICTION OF DUTY). ACCORDING TO PRESS REPORTS AND THE MOD, IN A FOLLOW-ON 1998 DECISION THE SUPERIOR MILITARY TRIBUNAL UPHELD THE BRIGADE COMMANDER'S DECISION, AND ALSO DISMISSED THE SAME CHARGES AGAINST TWO POLICE OFFICERS. CHARGES AGAINST THE NINTH OFFICIAL, BRIGADIER GENERAL ROJAS, WERE NOTED IN THE 1997 DECISION BUT NEVER REAPPEARED. IN A FEBRUARY, 1999 UNOFFICIAL RESPONSE TO REF A, THE MOD REPORTED THAT THE INVESTIGATION RESTED WITH THE 14TH BRIGADE MILITARY COMMANDER (THE MILITARY JUDGE OF FIRST INSTANCE) AND, ONCE COMPLETED, MILITARY JUDICIAL AUTHORITIES WOULD DETERMINE WHETHER AND HOW TO PROCEED. ON SEPTEMBER 7 MILITARY FORCES COMMANDER GENERAL TAPIAS TOLD THE AMBASSADOR HE WOULD FIND OUT THE STATUS OF A FORMAL RESPONSE TO REF A.

7. (SBU) COMMENT: THE CIVILIAN PROCEEDINGS AGAINST THOSE ACCUSED OF THE SEGOVIA MASSACRE WERE CONVOLUTED, BUT A LARGE PART OF THE COMPLEXITY DERIVED FROM MILITARY CHALLENGES TO CIVILIAN PROSECUTION. THE ADVANCEMENT OF CIVILIAN COURT PROCEEDINGS THEREBY MARKS AN IMPORTANT STEP IN THE EFFORT TO ADDRESS IMPUNITY IN COLOMBIA. THE LACK OF COMPARABLE ACTION WITHIN THE MILITARY JUDICIAL SYSTEM HIGHLIGHTS THE FLAWS WHICH REFORMERS HOPE TO ADDRESS WITH THE NEW MILITARY PENAL CODE, IMPLEMENTATION OF WHICH REMAINS DEPENDENT ON PENDING ENABLING LEGISLATION. POST BELIEVES THAT SUSTAINED USG ATTENTION TO THIS CASE HAS CONTRIBUTED TO AN IMPROVEMENT IN MILITARY JUDICIAL SENSITIVITY TO HUMAN RIGHTS CASES SINCE SEGOVIA.

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ACTION OFFICE CO-02
INFO FILE-01 ARA-05 PPC-01 ECP-01 OAS-01 PPA-01 DAND-02
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USIA FOR P/M, AR, P/PFL, P/FW, P/FN, VOA/BRL

STATE FOR ARA/P, ARA/AND

E.O. 12356: N/A
SUBJECT: MEDIA REACTION - VIOLENCE IN COLOMBIA

1. SECOND LEADING DAILY EL ESPECTADOR CARRIED 11/16
EDITORIAL PAGE COMMENTARY BY COLUMNIST MARIA TERESA
HERRAN ON THE WEEKEND MASSACRE IN THE TOWN OF SEGOVIA
AND ON THE ROLE OF JOURNALISTS IN REPORTING THAT TYPE
OF NEWS. FOLLOWING IS TRANSLATION OF PIECE, ENTITLED
"DEFENDERS OF THE SYSTEM?"

2. (BEGIN) "ENOUGH" WAS THE THREE COLUMN HEADLINE ON
THE FRONT PAGE OF LEADING OPPOSITION DAILY EL SIGLO
ON SUNDAY, AND IN ITS REPORT ABOUT THE SEGOVIA MASSACRE
EL SIGLO ASSERTED: 'AT LEAST 45 PEOPLE WERE KILLED IN
AN ATTACK ALLEGEDLY BY GUERRILLAS FROM THE FARC AND ELN
GROUPS.' THE CORRESPONDENT USED THE COMMANDER OF THE
14TH BRIGADE, BASED IN PUERTO BERRIO, AS DIRECT SOURCE
FOR THIS INFORMATION.

THE POINT IS NOT TO ANALYZE SO MUCH THIS EXAMPLE OF
DISINFORMATION THAT IMPLIES A DEPENDENCY ON ONLY ONE
SOURCE OF INFORMATION - IN THIS CASE THE MILITARY -
WHICH HAS BECOME LATELY A SAD CUSTOM OF COLOMBIAN
JOURNALISM WITH NEWS THAT DEAL WITH VIOLENCE. AT ONE
POINT IN TIME JOURNALISTS FLIRTED WITH GUERRILLAS,
ACTING AS MESSENGERS, AND THEY ALSO FLIRTED WITH THE
GOVERNMENT (BY) PARTICIPATING IN PEACE COMMISSIONS WHEN
THAT WASN'T THEIR FUNCTION. NOW JOURNALISTS BELIEVE
WHAT THE MILITARY TELLS THEM AND THEY FULFILL VERY
LITTLE OF THEIR DUTY TO INVESTIGATE THE FACTS.
BUT THE MOST SALIENT CHARACTERISTIC OF THE HORRIBLE
MASSACRE IN SEGOVIA IS THE SPEED WITH WHICH THE
MILITARY COMMAND BLAMES THE GUERRILLAS FOR THE DEATHS
IN A DIRTY WAR IN WHICH THE CIVILIAN AND MILITARY
ESTABLISHMENT IS EXTREMELY TOLERANT OF THE GROUPS
TERMED AS PARAMILITARY.

THERE IS NO DOUBT THAT GENERAL LANDAZARAI (EX-MINISTER
OF DEFENSE) IS RIGHT WHEN HE SAYS THAT THE TERM IS
ILL-MOTIVATED AND IMPLIES THE DIRECT PARTICIPATION OF
THE ARMED FORCES. LET US CALL THEM DEATH SQUADS. BUT
THAT DOESN'T DISCARD THE QUESTION BEING ASKED BY THOSE
OF US WHO THINK THAT NOT ALL THE MEANS ARE LEGAL SO
LONG AS THE END IS REACHED, IN THIS CASE THE DEFENSE OF
THE SYSTEM.

THE ATTORNEY NAMED BY THE ARMED FORCES HAS PROMISED TO
FIND OUT WHY THE MILITARY AND THE POLICE KEPT SO STILL
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: THEODORE SELLIN
DATE/CASE ID: 01 JUL 2003 200101358

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